

REMARKS

Entry of the above amendments and reconsideration of the application are respectfully requested. Upon entry of the amendments, this application will contain claims 14-15, 21, 23-29, 36-38, 46-48, 54-56 and 60-61 pending and under consideration. Applicants acknowledge with appreciation the indication of allowability of claims 14-15, 26-29, 36-38, 46-48 and 54-56, and that claims 21, 23-25 and 60-61 would be allowable if rewritten as indicated in the outstanding Office action. This amendment is designed to accept this allowed and allowable subject matter.

As an initial matter, claims 18-20, 22, 30, 49-53 and 57-59 have been cancelled rendering the corresponding rejections of those claims moot.

With regard to the “allowable if rewritten” claims that remain pending in the application, claim 21 has been rewritten to include all of the limitations of the now-cancelled base claim (claim 20), and to recite that the tube is formed “from” a sheet of biomaterial. The outstanding §112, second paragraph, rejection is therefore now moot.

Claim 60 has been amended to recite that the “collagenous biomaterial” is porcine, thereby rendering the §112 rejection moot. However, claim 38 appears to provide proper antecedent basis for the limitation “the submucosal tissue” in claim 61. Claim 38 recites “a sheet of biomaterial comprising submucosal tissue.”

Claim 23 has been amended to recite that the tube is formed “from” a sheet of biomaterial, thereby rendering the §112 rejection of claims 23-25 moot.

Amendments to the claims have been presented in order to expedite the prosecution of this application, and without prejudice or admission in respect of the previously claimed subject matter or remarks in the Action.

In view of the foregoing amendments and remarks, it is believed that the present application is in condition for allowance containing claims 14-15, 21, 23-29, 36-38, 46-48, 54-56 and 60-61. Action to that end is solicited.

Request for Interview

In the event that the Examiner finds any reason that the application cannot be allowed in its present form, the Applicants wish to conduct an interview with the Examiner prior to any next Office Action in order to provide an opportunity for coming to agreement upon allowable claims.

To arrange the interview, the Examiner is requested to call the undersigned attorney at the telephone number given.

Respectfully submitted,

By 
Kenneth A. Gandy, Reg. No. 33,386
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
Tel. (317) 634-3456
Fax (317) 637-7561
kgandy@uspatent.com